

Gazette

KENTUCKY GAZETTE, EXTRA.
FRIDAY FEBRUARY 17.

Documents communicated by the President of the United States to Congress, concluded from the last Kentucky Gazette.]

From Mr. Pinkney to Mr. Canning.
Great Cumberland Place,
October 10, 1808,

SIR,

If my reply to the letter, which you did me the honor to address to me on the 23d of last month, should be of greater length than the occasion may be thought to require, you will I am sure impute it to its real cause, an earnest desire on my part, arising from a footing of sincere respect for you, that the statement, which I am to give of facts deemed by you to be important, shall be full as well as accurate.

I will not fatigue you, sir, with assurances that no person could be less disposed than I am to find fault with the object of your letter, which appears to be to guard against all misrepresentation of "what has passed in our late interviews beyond what you find recorded in my note." You have told me that I have, personally, no concern in that object, and I did not require to be told that my government has as little. I understand, indeed, that the circumstance, which has suggested a peculiar motive for this proceeding, was one of those news-paper misrepresentations, which every day produces where the press is free, which find no credit and beget no consequence, and for which it is greatly to be feared your expedient will provide no remedy. Of my conduct, when that circumstance occurred, in giving you unsolicited proofs that I had transmitted to Mr. secretary Madison, a faithful report of our conferences, mistaken by public rumour or private conjecture, it is not necessary for me to speak; for you have yourself done justice to it.

The motive, to which I am indebted for the honor of your letter, appears to have been instrumental in producing another effect equally unexceptionable. But you will allow me to say that, until the receipt of that letter, I had not been apprised, by the slightest intimation, that it was in any degree owing to such a cause that you declined, on the part of his majesty's government, after two conferences in which I had been suffered, if not encouraged, to unfold myself, individually as well as officially, at great length and with perfect frankness, to give an answer to my verbal overture.

At our interview (on the 29th of June) verbal communication was not discontinued, but commended. For, after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course, but immediately added that you presumed I did not; for that the course I had adopted was well suited to the occasion. My reply was in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse; and that I had not intended to present a note. At the second interview (on the 22d of July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th of July) that it was rejected as inadmissible. But even then, I was not told, and had not the smallest suspicion, that this rejection was to be ascribed, either wholly or partially, to the motive which your letter has since announced to me. That this motive had, nevertheless, all the influence now imputed to it, I am entirely confident; and I take notice of it only because, as I have not mentioned it to my government in my official account of our conferences, I can no otherwise justify the omission, either to it, or to you, than by the way that I had, in truth, no knowledge of the fact when that account was transmitted.

I may take occasion to set forth in the present letter the important of all that can be material of our several conversations, according to my recollection of them: but there are some points to which I ought to pay a more particular attention, because you have thought them entitled to it; although I should myself, perhaps, have been inclined to think that they had lost much of their importance by the presentation of my note and the receipt of your written answer, both of which are perfectly intelligible, upon these points at least, without the aid of the conferences that preceded them.

You observe, that "the principal points, in which the suggestions, brought forward by me in personal conference, appear to you to have differed in some degree from the proposal stated by me in writing, are two; the first, that, in conversation the proposal itself was not distinctly stated as an overture authorized by my government; the second, that the beneficial consequences, likely to result to this country from the acceptance of that proposal, were pursued through more ample illustrations."

With regard to the first of these supposed differences, I feel persuaded, sir, that upon further recollection, it will occur to you that, at our first conference, I told you explicitly that the substance of what I then suggested, that is to say, that your orders being repealed as to us, we would suspend the embargo as to Great Britain, was from my government; but that the manner of conducting and illustrating the

subject, upon which I had no precise orders, was my own. I even repeated to you the words of my instructions, as they were upon my memory; and I did not understand, either then or afterwards, that there was any doubt as to their existence or their sufficiency, or any desire to have a more exact and formal communication of them while the result of our discussions was distant and uncertain. I said, undoubtedly, that I had been directed to require

the revocation of the British orders in council; but I said also that, although the government of the United States still supposed itself to be authorized to expect their repeal upon the ground of right as it existed from the first (a subject however, which I informed you I did not wish at that time to agitate) I was, notwithstanding, empowered to give you the above-mentioned assurances, which would, as I presumed, hold out inducements to Great Britain, as well on the score of policy as on that of justice, to fulfil that expectation.

I should scarcely have undertaken to offer such assurances as from myself, or upon my own "conviction" that the president would act in conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them, in that form, the subject of repeated conferences, and even of reference to others, as placing the question of a recall or a continuance of the orders in council upon new grounds of prudence & equity. It is merely intended (as I doubt not it is) to say that I did not make, or declare my intention to make, my overture in writing, before I had endeavoured to prepare for it, by personal explanations, such a reception as I felt it deserved, and before I could ascertain what shape it would be most proper to give to it, or how it would be met by this government, nothing can be more correct.

It was my sincere wish that my proposal, which I believed to be advantageous to Great Britain, as well as honourable to the United States, should be accepted; and, accordingly, I preferred a mode of proceeding, which, while it was calculated to avoid unprofitable discussions, upon topics of some delicacy and great difficulty, would furnish opportunities for frank and friendly communication upon all the bearings of my proposal, & lead to the result at which I aimed, if that result should be practicable, in such way as, upon mature reflection, and after a liberal interchange of sentiments, should be found to be most for the honor of our respective governments. These views were laid before you without reserve, and seemed to be approved; and I confess to you, sir, that when I was afterwards informed that, if I would obtain an answer to my overture, I must make it in writing, and that I must not look for any previous intimation of the nature of that answer, I did not allow myself any longer to anticipate with much confidence such an issue as I desired.

The second difference, which your letter supposes to exist between my note and verbal suggestions, cannot, I think, in any view, be very material. I will say something upon it, however.

My note declares that, if I forbear to pursue certain ideas through all the illustrations of which they are susceptible, it is because our personal conferences, as well as the obvious nature of the ideas themselves, render it unnecessary. This implies, undoubtedly, that more had been said in our conferences, explanatory of those ideas, than is to be found in the note itself: and that implication can scarcely be otherwise than true, if I "expatiated largely," as you very justly say I did "upon the consequences of a suspension of the embargo as to Great Britain, while it still continued to be enforced against France."

The general idea, to which the note refers, is, that justice and interest conspired to recommend that you should take advantage of my proposal. The particular positions are, that if your orders and our embargo should be rescinded in the manner suggested, our commercial intercourse would be immediately revived; that if France followed your example, and retracted her decrees, the avowed purpose of your orders would be accomplished; that if France refused to retract, the American embargo, continuing as to her, would occupy the place of your orders, and perform their office even better than they could perform it themselves, without any of the disadvantages inseparable from such a system.

It is certain that, in our conversations, I endeavored to prove that these general and particular notions were founded in truth, by a variety of arguments, thrown out in a very desultory way, with more zeal than precision, and with that entire freedom which unlimited confidence in your candor, and a firm opinion that the views of my government would derive new terrors to respect from a full examination, were calculated to produce.

I should not deal ingenuously with you, sir, if I were to pretend that I think myself able to recapitulate those disjointed arguments as they were actually delivered: and I am quite sure that I shall consult your gratification, as well as my own credit, by declining such an undertaking. But I think I can state in a condensed form, what I intended you should understand; and I presume that what I did say was not very wide of my real impressions.

Upon the footing on which my overture would place the justice of the British orders, I did not go into much detail, at any one of the three interviews mentioned in your letter. But, combining my uncon-

nected and occasional observations on that point, as they were made at different times, and more especially as they were afterwards given and enlarged upon, when I had the honor to see you on the 26th of August (of which, however, it is proper to say, I have only a very scanty memorandum) their import, will not, perhaps, be found to be much, if at all, mistaken in such parts of the following statement as relate to that branch of the subject.

I meant to suggest, then, that upon your own principles, it would be extremely difficult to decline my proposal; that your orders inculcate, as the duty of neutral nations, resistance to the maritime decrees of France, as overturning the public law of the world, and professedly rely upon that duty, and an implied abandonment of it, for their inducement and their justification; that, of these orders, that of the 7th of January, 1807, (of which the subsequent orders of November are said, in your official reply to my note of the 23d of August, to be only an extension, "an ex-

tent in operation, not in principle") was promulgated and carried into effect a few weeks only after the Berlin decree had made its appearance, when the American government could not possibly know that a decree existed, when there had been no attempt to enforce it, and when it had become probable that it would not be enforced at all, to the prejudice of neutral rights; that the other orders were issued before the American government, with reference to any practical violation of its rights, by an attempt to execute the Berlin decree in a sense different from the stipulations of the treaty subsisting between the United States and France, and from the explanations given to general Armstrong by the French minister of marine, and afterwards impliedly confirmed by general Champigny, as well as by a correspondent practice, had any sufficient opportunity of opposing that decree otherwise than it did oppose it; that your orders, thus proceeding upon an assumed acquiescence not existing in fact, retaliated prematurely, and retaliated a thousand-fold, through the rights of the United States, wrongs rather threatened than felt, which you were not authorized to presume the United States would not themselves repel as their honor and interests required; that orders, so issued, were, to say the least of them, an unseasonable interposition between the injuring and the injured party, in a way the most fatal to the latter; that, by taking justice into your own hands before you were entitled to do so, at the expense of every thing like neutral rights, and even at the expense of other rights, justify the objects of yet greater flexibility, and by inflicting upon neutral nations, or rather upon the United States, the only neutral nation, injuries infinitely more severe and extensive than it was in the power of France to inflict, you embarrassed and confounded, and rendered impracticable, that very resistance which you demanded of us; that my proposal destroyed all imaginable motives for continuing whatever might have been the motives for adopting, this new scheme of warfare; that it enabled you to withdraw with dignity, and even with advantage, what should not have come between France and us; that its necessary tendency was to place us at issue with that power, or, in other words, in the precise situation in which you have maintained we ought to be placed, if it should persist in its obnoxious edicts; that the continuance of our embargo, so modified, would be at least equivalent to your orders; for that, in their most efficient state, your orders can do no more, as regards the United States, than cut off their trade with France and the countries connected with her; and that our embargo, remaining as to France and those countries, would do exactly the same; that if the two courses were barely, or even nearly, upon a level in point of expediency, Great Britain ought to be forward to adopt that which was consistent with the rights, and respectful to the feelings, of others; that my proposal, however, had powerful recommendations, which the orders in council had not; that it would re-establish, without the hazard of any disadvantage, before new habits had rendered it difficult, if not impossible, a traffic which nourished your most essential manufactures, and various other important sources of your prosperity; that it would not only restore a connection valuable in all its views, but prepare the way for the return of mutual kindness, for adjustments greatly to be desired, and, in a word, for all those consequences which follow in the train of magnanimity and conciliation, associated with prudence and justice.

Among the observations, intended to illustrate my opinion of certain probable and possible effects of the concurrent acts which my proposal had in view, were those to which you allude in the 6th paragraph of your letter. Having stated that renewed commercial intercourse between Great Britain and the United States would be the first effect, I remarked, in the progress of the conversation, that the edicts of France could not prevent that intercourse, even if France should adhere to them, although Great Britain, by her superior naval means, might be able to prevent the converse of it; that the power of France upon the seas was in no degree adequate to such a purpose, and if it were otherwise, that it was not to be supposed that the United States, resuming their lawful commerce with this country after a recall of the British orders in council, would take no measures against sys-

tematic interruptions of that commerce by force and violence, if such should be attempted.

It, when I was honored with the different interviews before mentioned, I had been able to conjecture the nature of the arguments, which were to have an influence against my proposal, as I now find them stated in your answer to my note, I should probably have ventured to suggest, in addition to the remarks actually submitted to your consideration, that, "if the blockade of the European continent," by France and the powers subservient to or in combination with her, to which your orders, as "a temperate but determined retaliation," were opposed, "has been raised, even before it had been well established," and if "that system," so opposed, "of which extent and continuity were the vital principles, has been broken up into fragments utterly harmless and contemptible," there seems scarcely to be left, in your own view of the subject, any intelligible justification for perseverance in such of the retaliatory measures of Great Britain, as operate through the acknowledged rights of a power, confessedly no party to that combination, and ready to fulfil her fair neutral obligations, if you will suffer her to do so. Under such circumstances, to abandon what is admitted to have lost its only legitimate object, is not "concession;" it is simple justice. To France, indeed, it might be concession. But it is not France, it is the government of America, neither subservient to France nor combined with France, a third party whose rights and interests your orders deeply affect, without any adequate necessity, according to your own shewing, that requires their recall; and that too upon terms, which cannot but promote the declared purposes of those orders, if any remain to be promoted. I say, "without any adequate necessity according to your own shewing;" for I am persuaded, sir, you do not mean to tell us, as upon a hasty perusal of your answer to my note might be imagined, that those rights and interests are to be set at nought, lest "a doubt should remain to distant times of the determination and the ability of Great Britain to have continued her resistance;" or that your orders may, indefinitely, give a new law to the ocean, lest the motive to their repeal should be mistaken by your enemy. If this might indeed, be so, you will perhaps permit me to say that, highly as we may be disposed to prize the firm attitude and vast means of your country at this eventful moment, it would possibly suggest to some minds a reluctant doubt on the subject of your observation, "that the strength and power of Great Britain are not for herself only, but for the world."

I might also have been led to intimate that my proposal could apparently lose nothing by admitting that, "by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did come in aid of the before mentioned 'blockade of the European continent,' precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American government would most effectually have contributed to its success." Yet, I should probably have thought myself bound to remind you that, whatever may be the truth of this speculation, the same embargo, withheld our tonnage and our exports, from that communication with the colonies of your enemies, and with the European continent, which you had asserted as your right to prevent; which, as a direct communication (with the continent) you had in fact prohibited; which, even thro' British ports, or in other qualified forms, you had professed to tolerate, not as that which could be claimed, but as an indulgence that could at any time be withdrawn; which, as a traffic for the United States to engage in, you had at least discouraged, not only by checks and difficulties in the way of its prosecution, but by manifesting your intentions to subdue it into all the shapes which the belligerent, fiscal, or other peculiar policy of Great Britain might require, and to subject it to the exclusive jurisdiction of her municipal code, armed with all the prerogatives of that universal law to which nations are accustomed to look for the rights of neutral commerce.

In giving an account of our second conference you say, "that, though not stating myself to be authorized by my government formally to offer the suspension of the embargo as an immediate consequence of the repeal of the orders in council, yet I did profess my readiness to take upon myself to make that offer, provided that you would give me before hand an unofficial assurance that, coupled with that offer, the demand of the repeal of the orders would be favourably received; that you of course declined to give any such previous assurance, but as I appeared to attach great importance to this suggestion, and you were led to think that a compliance with it might relieve me from a difficulty in executing the instructions of my government, you consented to take a few days to consider of it, and to reserve your definitive answer until you should see me again." You then observe that you "never doubted in your own mind as to the inexpediency and impropriety of encouraging me to take an unauthorized step, by an unofficial promise that it should be well received." I am sure you did not, sir; but I must take the liberty to say, that I am equally sure that I never thought of asking you to give me encouragement to take an unauthorized step of any kind. I am indeed, truly mortified that my conduct has appeared to you in that light, and I should not be readily confounded if I did not reflect that, in condescending to listen, even for a moment, to what must have struck you as an irregularity, as vain and nugatory in its purpose as reprehensible in its principle, you must at least have given me credit for good intentions, and for a strong desire, sincerely felt, although erro-

neously obeyed, that our countries should find themselves in that relative position, which suits the interests and tends to the happiness of both.

When I professed a readiness to make my proposal in writing, it was, as you state, provisionally; but I did not intimate that I was acting without authority, nor did I comprehend that such was, as I now know it to have been, your impression. The provisional nature of my offer arose out of circumstances, and was afterwards pressed upon conviction that, if it was meant to adopt the views of the president, nothing more could be necessary. I underlined you to be desirous of ascertaining, whether I was empowered and disposed, with a view to a final arrangement, to present what I had suggested, in a written form, as an overture originating with my government. I said, of course, that, every thing being first matured, a note should be presented; but that I would, with your permission, take a little time to consider of the manner and terms. I did not at that time suppose that we were converging about a written proposal which was to be made only to be rejected, or even for the purpose of deliberation; and, consequently, in professing my willingness to make it as soon as we were prepared for it, I presumed that I had done all that you desired. And I was confirmed in this opinion, not only by your saying nothing, as I suppose, to the contrary, but by your requesting me, as I was about to leave the room, to employ myself, before the next interview, upon such a note as we had been talking of, and then retracting that request, by observing, that I would doubtless first desire to know what were your ideas and intentions upon the subject of it; with which I was given to understand I should be made acquainted at another conference.

At the third interview, after speaking of a transaction upon the lakes, of which your traders complained, and of another occurrence in the bay of Pascamaqudy, you observed, that you had thought long and anxiously upon what I had suggested to you; that the subject had at first struck you as being much more simple than upon careful examination it had been found to be; that, in the actual state of the world, it behoved both you and me to move in this affair with every possible degree of circumspection; that, without some explicit proposal on my part in writing, upon which the British government could deliberate and act, nothing could be done; and, finally, that you must leave me to consult my own discretion whether I would make such a proposal.

It appeared to me that, if this determination should be perfidiously carried out, my overture was not likely to be successful; and I urged, accordingly, the propriety of going on in a course which would lead us to a better issue. This course was, that we should understand one another as to our respective views; and that a concile note, which I had in fact prepared since the last meeting, should then be presented and acted upon. You informed me, that my wish in this particular could not be acceded to; that, if I presented a note, you must be left at perfect liberty to decide upon what it proposed; that you could not give me even an intimation of the probable consequences of it; and, in a word, that you would neither invite nor discourage such a proceeding. You added, that there were some points belonging to the subject, which it would be proper to discuss in writing, one of which was the connection between our embargo and your orders of November, supposed to be implied by my proposal. I remarked that, with an actual result in view, and with a wish to arrive at that result without delay, it could not be advisable to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics on which we were not likely to agree; and that if I were to frame my note with a knowledge that it was to provoke argument, instead of leading, at this crisis, to a salutary change in the state of the world, you must be conscious that I too must argue. And where would this end? To what wholesome consequence would it conduct us? At the close of the interview, I observed, that as the footing, upon which the subject was now placed, made delay of no importance, I should take time to prepare such a paper as might be required.

On the 26th of August I had the honor to see you again, and, after entering more at large than I had before believed to be proper, into a consideration of the effect of my proposal on the equity of adhering to your orders in council, and after reading to you parts of my instructions, I delivered an official note, in which the proposal was made in the form required.

Something was said, at this interview, of the affair of the Chesapeake and the president's proclamation, which it is not necessary to repeat. It will be sufficient to state, that you asked me what was to be done with these subjects? and that my reply was, that they had no connection with the present; but that I could say with confidence, that my government had every disposition to attend to them, with a view to such an adjustment as would be honorable to both parties. I did not suppose that it was expected (for you did intimate such an expectation) that renewed negotiation upon these points should, as well as the repeal, upon terms, of your orders in council, be invited by a formal overture from the government of America.

I will not trouble you with many observations more. You state in your letter that "there was a point upon which you were particularly anxious to receive precise information, and upon which, from my candor and frankness, you were fortunate enough to obtain it." This was, "whether the orders in council of November had been known to the government of the United States previously to the message of the president proposing the embargo, so as to be a moving consideration to that message." I quote this passage, principally, that I may recall to your recollection, that my suggestions, upon the subject of it, were not made officially, or as being authorized or furnished by any communication from my government, or in answer to enquiries on your part. They were very briefly made, near the

close, as I think, of our third interview, in consequence of your intimation (intended, perhaps, to amount to an enquiry) that my proposal implied that the embargo had been produced by the orders of November; to which you added that this could not be admitted, and (as I comprehended what you said) that it even required to be made the subject of some notice or discussion in writing, as intimately connected with my proposal, if it should be brought forward in that shape. And I understood you to assign this as one of the reasons why a written overtire was indispensable. In replying to that intimation, and the remarks which followed it, I professed to speak, as I did in fact speak, from general information only, and disclaimed, as it was my duty to do, all authority to say more upon the nature and origin of the embargo, than I had some time before communicated to you, in obedience to the orders of the president. The purpose of my observations was, chiefly, to shew that there was no inducement for embarking in formal discussions upon this point; and I assured you that it was not in my power, either as reflected instructions from my government or knowledge of facts, to do so. My opinion was, and I spoke accordingly, that it was one of those questions which might be left completely at rest without the least injury to the wisdom or the justice of our conclusions upon the great object of our conferences. There could be no objection, however, to my giving you on this head, such conjectural information as I was able. On the contrary, by fully disclosing to you my own materials for forming an opinion upon it, you would be enabled more distinctly to see, that I could take no part in any discussion, which you might propose to apply to it. And I could not but be assured that any anxiety you might feel, to obtain a knowledge of the facts in question, sprung from considerations which had every claim to my respect; for I know that your mind was far above the reach of prejudices, which would ascribe the American embargo to participation in the councils or views of your adversary, or of any foreign power whatsoever.

My suggestions were to the following effect: that I believed that no copy of your orders of November had arrived in the U. States at the date of the president's message; that a recent change in the conduct of France to our prejudice did appear to be known; that intelligence had been received, and a belief entertained, of your intention to adopt some further measure, as a measure of retaliation against France, by which our commerce and our rights would be affected; that there was reason to conclude that you had actually adopted such a measure; that (as I collected from American newspapers) this had appeared from private letters, and the newspapers of this country, received in the United States some days before the message of the president, and probably known to the government; that, in a word, various information concurred to shew that our trade was likely to be assailed by the combined efforts of both the belligerent parties; and that the embargo was a measure of wise and peaceful precaution, adopted under this view of reasonably anticipated peril.

You observe, in another part of your letter, "that you have always rather wished to refer the argumentative discussion of the subject of the orders in council to the official correspondence, which you have more than once been taught to expect me to open upon it." If I should object to any part of this statement, it would be to the words "more than once." Your wish has always appeared to be such as you now represent it, and you had reason to expect that I would commence a written discussion of the orders of November, soon after their publication. I had told you that I should do so, and you had said that there could be no objection to it. But you were afterwards apprised, that, upon reflection, I had determined to leave the subject where it was, until I should know the pleasure of my government.

The orders had been officially communicated, not to me, but to Mr. Madison, through the British minister at Washington. It seemed, therefore, to be proper, (unless my instructions should make it otherwise) that the view, which the government of the United States took of them, should find its way to you through the same channel; and, accordingly, the letters of Mr. Madison, to which I have referred in my note of the 23d of August, did open at great length a discussion which I could have no inducement to shun, although I did not continue to think myself authorized to commence it.

It only remains to add, that your share in our several conversations was, what you represent it to have been, not considerable; and that your manner, although referred, was, as it always is, perfectly friendly.

I need not say that, if in this letter, written under the influence of sincere concern, that the proposal I had the honour to lay before you has been unsuccessful, anything is to be found which you could wish to be otherwise than it is, I shall be the first to regret that I have not been able to do justice to my own feelings and intentions.

I have the honour to be,
With the highest consideration, Sir,
Your most obedient, humble servt.
WILLIAM PINKNEY.

LAW OF KENTUCKY.

AN ACT

FOR THE RELIEF OF DEBTORS.

Approved, February 8th, 1809.

Sec. 1. BE it enacted by the General Assembly, That if the defendant or defendants in any execution now issued or hereafter to be issued on any judgment or decree had or to be had, or in any execution now issued or to issue on any replevin bond now in being, shall at or before the day of sale tender sufficient security to be bound with him to pay the amount, and also all costs with lawful interest for the same, to the creditor or creditors, on such execution in one year; then the sheriff or other officer shall immediately release the estate or body, as the case may be, of such defendant or defendants from such execution.

Sec. 2. And be it further enacted, That if the defendant or defendants in any such execution as aforesaid, shall fail to give bond and security as aforesaid, it shall be the duty of the sheriff or other officer holding such execution, on the day of sale, to sell the estate, to wit: lands, slaves and personal estate, or any of them, taken in said execution, at a credit of one year, taking bond and sufficient security to be bound with the purchaser to pay the amount of the purchase money with lawful interest from the day of sale, to the creditor or creditors.

Sec. 3. And be it further enacted, That the bonds aforesaid taken by virtue of this act, shall be returned within thirty days after the execution thereof to the clerk's office or justice from whence the execution issued and shall have the force of judgments, and on which when due and unpaid, execution may issue in the name of the obligee, his or her executors or administrators, or in the name of the obligees, or the survivor or survivors of them as the case may be, and wherever an execution shall be issued on any such bond, the slaves, personal estate and lands of the persons against whom such execution may issue, shall be sold for cash for whatever price the same may bring, and on every such execution the clerk or justice shall endorse that no security shall be taken; but in all cases where executions issue on replevin bonds, within the purview of this act, the proper credits, if any, shall be endorsed thereon: Provided however, that nothing herein contained shall subject lands to the payment of debts contracted prior to the 17th of December, 1792: Provided also, that nothing herein contained shall be construed to extend to any execution upon any judgment obtained against a sheriff, coroner or constable, or any collector of the levies or officers' fees or public revenue, or for any debt to any public creditor, put into their or any of their hands to collect, or to an execution upon any judgment obtained against an attorney for money received by him for his client or against a principal by his security, or any public debtor, or to an execution for any debt due to the penitentiary institution, but the property taken or received under any such execution shall be sold for cash on the day of sale for what it will bring.

Sec. 4. And be it further enacted, That the sheriff or other officer shall in the condition of any bond taken under this act, state as the case may be that the defendant or defendants have replevied for one year, or that having failed to give bond and security, that the said estate so sold, has been disposed of at a credit of one year.

Sec. 5. And be it further enacted, That replevin bonds, or bonds for the sale of property, taken within the purview of this act, shall be assignable, an execution may issue in the name of the assignee or assignees, his, her or their executors or administrators as the case may be.

Sec. 6. And to facilitate the transferring of such replevin bonds, or bonds for the sale of property, taken in pursuance of this act, it shall be lawful for the creditor to take from the clerk or justice, as the case may be, one copy of such bond (and assignment if any) specially certified to be the copy on which transfers may be made, and it shall be the duty of the clerk or justice, as the case may be, when he shall issue a copy thus certified, to endorse on the original bond that such a copy hath been issued; but of each such replevin bond one copy only, thus specially certified, shall be issued, and after the issuing thereof, it shall not be lawful to make the transfers on the original bond, but they shall be made on the copy specially certified as aforesaid, and in such a case no execution shall issue on the original bond, until such special copy shall be returned and filed with the original; but if such copy shall be lost or destroyed so that it cannot be returned, the court (on the same being satisfactorily proved) may by order, give leave for execution to issue as though the copy had been returned: Provided however, that nothing in this section contained, shall be construed to affect replevin bonds, of which such special copy as aforesaid, shall not have been taken out.

Sec. 7. This act shall commence and continue in force from its passage until the first day of April, 1810, and no longer: but provided nevertheless, that all bonds taken under this act shall remain as valid and liable to be proceeded on according to the directions hereof, after the said first day of April, 1810; and all laws contravening the provisions of this act shall be suspended during the continuance of this act.

A list of Acts passed during the last session of the Legislature.

1. AN ACT to direct the register to suspend the receiving of certain plats and certificates for a limited time, and for other purposes.

2. For the regulation of the town of Columbia in Adair county.

3. For prolonging the time forentering lands for taxes.

4. To amend an act entitled an act for the benefit of Daniel Kelier.

5. For the relief of the heirs of James Bristow.

6. For the relief of certain sheriffs of this commonwealth.

7. To repeal so much of an act entitled an act to improve and keep open the navigation of Brashears' fork of Salt river, as relates to Brashears' creek.

8. Giving further time for paying into the Treasury certain monies without interest.

9. To amend an act entitled an act to amend the law concerning the turnpike and wilderness road.

10. To authorise the county court of Nicholas to appoint trustees to the town of New-Town in said county, and for other purposes.

11. For the relief of the sheriffs of Hopkins county.

12. Authorising the county courts of Bourbon, Franklin, Harrington and Shelby to lay an additional county levy for the year 1809.

13. Fixing the permanent seat of justice of Warren county on the old public square in the town of Bowling-Green.

14. To amend the act entitled an act to amend the act authorising commissioners to sell part of the land of which John Elliott, died, seized and possessed.

15. To add part of Ohio county to the county of Henderson.

16. To legalize the proceedings of the Logan and Bracken county courts.

17. For the better regulation of the town of Richmond in Madison county.

18. For the relief of John Upton's heirs.

19. Allowing to non-residents whose lands have been struck off to the state by the register in 1806, for the taxes &c. further time to redeem the same.

20. For the relief of Salias M'Bee John Jackson and John Moran.

21. To legalize the proceedings of the county courts of Floyd and Washington.

22. Allowing John James and others, further time to return certain plats and certificates.

23. For the relief of Thomas Adams.

24. Authorising the county courts in this commonwealth to establish inspections.

25. For the benefit of the collector of the revenue tax for the county of Muhlenberg.

26. To amend the act entitled an act to amend the act providing for the debt due this commonwealth for the sale of vacant lands.

27. For fixing the permanent seat of justice of Lewis county.

28. To repeal an act making provision for the hon. George Muter late chief justice of this commonwealth.

29. Establishing academies in the counties of Lewis and Clay.

30. Regulating divorces in this commonwealth.

31. To amend the acts establishing the general court.

32. For the division of Livingston county.

33. concerning the town of Glasgow in the county of Barren.

34. Authorising the trustees of Lexington to levy and collect money for certain purposes.

35. To repeal so much of every act as authorises public remuneration for losses by fire in ware-houses.

36. To repeal the acts making compensation for killing wolves.

37. Authorising Archibald Northcut to build a dam across Green river.

38. Concerning the town of Jefferson in Jefferson county.

39. Directing the president of the Bank of Kentucky annually to certify to the auditor the amount of interest on certain redeemed warrants.

40. To amend the several acts concerning the proceedings in chancery.

41. To amend the law for the recovery of debts cognizable before a justice of the peace.

42. To incorporate the New-Castle Library company.

43. To galize the proceedings of the county court of Pendleton at their December term 1808, and authorising the county court of Knox to appoint commissioners.

44. For the relief of Ephram Dicken and James Kincaid assignee, &c.

45. To repeal so much of the act concerning titheables as subjects white male titheables over the age of sixteen and under twenty one years to the payment of county levy.

46. To repeal so much of every act as authorises public remuneration for losses by fire in ware-houses.

47. Requesting David Logan late treasurer to pay to the present treasurer certain monies.

48. Requiring the register to pay into the treasury quarterly, certain monies.

49. To repeal the provisional clause of the act establishing the county of Harrison.

50. For the better regulation of the town of Danville.

51. To alter the time of meeting of the general assembly.

52. To amend the law respecting cut-money.

53. For the better regulation of the town of Winchester in Clarke county, and Versailles in Woodford county.

54. Making further provision for the town of Springfield in Washington county.

55. For the relief of certain free coloured persons.

56. For the relief of Debtors.

57. For the relief of Richard Wilmot.

58. To authorise the publication of advertisements in the Political Theatre and Dove.

59. Authorising the editor of the Farmer's Friend to insert certain advertisements.

60. Legalizing the proceedings of the county court of Estill at their April term 1808, so far as respects the appointment of commissioners of the tax.

61. To amend the act entitled an act to amend the law concerning the turnpike and wilderness road.

62. For the benefit of Elizabeth Worthington and the heirs of Edward Worthington, deceased.

63. To extend the next June term of the Fayette circuit court.

64. To suspend in part the acts concerning the inspection of tobacco.

65. To amend the several acts of assembly concerning the town of Frankfort, and the act incorporating the Frankfort water company.

66. To compel the speedy adjustment of land claims.

67. For the relief of John Logan's heirs.

68. For the relief of Charles Quiry and Samuel Hinch.

69. To prevent attorneys at law of the state of Ohio from practicing in the courts of this commonwealth, under certain restrictions.

70. Altering the times of holding courts in this commonwealth.

71. Supplemental to the act entitled an act to repeal the provisional clause in the act establishing the county of Harrison.

72. To amend the act entitled an act for the procurement of a fire engine.

73. To amend an act passed February 1808, entitled an act concerning the collection of certain officers' fees.

74. To amend the act entitled an act authorising John Pope to erect a bridge across the Kentucky river.

75. Allowing an additional number of justices of the peace in certain counties.

76. For the relief of Joseph Hart.

77. To coerce the payment of arrears from the several delinquent collectors of public dues.

78. Authorising the several sheriffs of this commonwealth, to make certain conveyances.

79. To repeal the tenth section of an act entitled an act to amend the several acts concerning the Town of Frankfort.

80. To amend the act incorporating the Madison hemp mill company.

81. To prevent the fraudulent appropriation of lands under color of treasury warrants.

82. Concerning the treasurer's and auditor's office.

83. To amend the act entitled an act for the penitentiary house.

84. Imposing fines in certain cases.

85. To amend the penal laws of this commonwealth.

86. To authorise the justices of certain county courts and trustees of academies to appropriate lands for the use of seminaries of learning.

87. To repeal so much of every act as authorises public remuneration for losses by fire in ware-houses.

88. Repealing all laws establishing examining courts in this commonwealth.

89. For the relief of certain militia-men in the 57th regiment.

90. For the appropriation of money.

A resolution respecting the memory of the late Gen. Sandford.

Approving the measures of the general government.

Respecting the appointment of a committee to examine the accounts of the late treasurer.

Concerning the State Bank.

Additional resolutions concerning the State Bank.

Concerning the secretary's office.

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